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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,582	03/15/2002	David A. Kritler	NETT 2207C1	3233
7812	7590	11/04/2004	EXAMINER	
SMITH-HILL AND BEDELL 12670 N W BARNES ROAD SUITE 104 PORTLAND, OR 97229			HUGHES, JAMES P	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/098,582	Applicant(s) KRITLER ET AL.	
	Examiner James P. Hughes	Art Unit 2883	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 and 29- 37 is/are pending in the application.
- 4a) Of the above claim(s) 17-27 and 29-36 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 and 37 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. Claim 28 is cancelled per applicant's request.

#### ***Election/Restrictions***

2. Applicant's election with traverse of Species 1 represented by claims 1-16 in the reply filed on July 29, 2004 is acknowledged. The traversal is on the ground(s) that the newly added claim 37 links claims 1-16 with claims 18-25 and 32, and therefore claims 18-25 and claim 32 should also be examined. This is not found persuasive because the inventions (species 3 and 6) as respectively recited in claims 18-25 and 32 are mutually exclusive from the invention recited in claims 1-16. Species 1 does not require the specifics of species 3, for example, a strain gauge for generating a strain gauge signal that depends on tension in the fiber between the first and second gripping elements. Species 1 also does not require the specifics of species 6, for example a control means responsive to the strain gauge signal for inhibiting the translation means from moving the cleaving element to the second location unless the strain gauge signal is in a selected magnitude range.

The requirement is still deemed proper and is therefore made FINAL.

3. This application is in condition for allowance except for the presence of claims 17-27 and 29-36 to an invention non-elected with traverse in the reply filed on July 29, 2004. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action

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during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

*Allowable Subject Matter*

5. The following is a statement of reasons for the indication of allowable subject matter. Independent claims 1 and 16 are allowable because the prior art of record fails to teach or fairly suggest, an apparatus, method, or means for, preparing a coated optical fiber for coupling to a face of an optical device, comprising: placing the coated fiber so that it extends through a stripping station, a cleaning station, and a cleaning station; effecting relative motion between the fiber and the stripping station, the cleaning station and the cleaving station lengthwise of the fiber, whereby the coating is stripped from a medial length segment of the fiber as said medial length segment passes through the stripping station; cleaving the fiber within said medial length segment, thereby providing the fiber with a freshly cleaved end region; in combination with the

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other recited limitations in the claims. Claims 2-15 are allowed by virtue of their dependence on claim 1.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fukuoka et al. (5,253,412) herein after referred to as Fukuoka, teaches a tip processing device and method for preparing jacketed optical fibers comprising a stripping station (20), a cleaning station (30), and a cleaving station (40). However, only the tip of the optical fiber is passed through each station. (See e.g., and Col. 5, ll. 31 – Col. 6, ll. 35; Col. 9, ll. 45 – Col. 10, ll. 60; and Figs. 1-3) Fukuoka et al. (5,469,611) teaches a similar device as the 5,253,412 patent. Tabeling (6,695,191) teaches an optical fiber cleaver. (Abstract) Robinson et al. (6,695,191) teaches an optical fiber cleaver. (Abstract) Okada et al. (5,235,664) teaches an apparatus for stripping the jacket form an optical fiber and inserting the fiber into a ferrule. (Abstract) Ewert et al. (5,524,167) teaches a holder for loose optical fibers. (Abstract) Dumitriu et al. (6,337,943) teaches a ribbon fiber fixture device. (Abstract)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James P. Hughes whose telephone number is 571-272-2474. The examiner can normally be reached on Monday - Friday 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James P. Hughes  
Patent Examiner  
Art Unit 2883



Frank G. Font  
Supervisory Patent Examiner  
Technology Center 2800